

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Junior Colleges (Aided)- Regularization of services of P.Yerraiah, Gardener, SVVPAS.Raja Mahila Vidyapeeth Junior College, Visakhapatnam – Cancelled – Orders – Issued.

HIGHER EDUCATION (IE-II) DEPARTMENT

G.O.Ms.No.58

Dated: 11-07-2011

Read the following:-

- 1.G.O.Ms.No.212 Fin.& Plg.(FW.PC.III) Dept., dated 22-4-1994.
- 2.G.O.Ms.No.107 HE.(IE.II) Dept., dated 9-10-2001.
- 3.Interim orders dated 5-11-2007 in W.P.M.P.No.30353 of 2007 in W.P.No.23295 of 2007.
- 4.From the CIE. Lr.Rc.No.Admn.IB-2/1452/06, dated 30-1-2008.
- 5.Prods. of CIE. in Rc. Admn.IB-2/1452/06, dated 02-02-2008.
- 6.Govt.Memo No.14740/IE.II-1/2007, dated 3-3-2008.
- 7.Explanation of Sri P.Yerraiah, dated 24-3-2008.
- 8.Orders of Hon'ble High Court in W.P.No.6493 of 2008, dated 8-2-2011.
- 9.From the DIE.Lr.Rc.Admn.IB-2/1452/06, dated 19-4-2011.

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ORDER:

In the G.O. 1st read above, Government have issued orders for regularization and absorption of employees on Daily Wage/NMR or Consolidated Pay, who worked continuously for a minimum period of 5 years and are continuing on 25-11-1993 subject to fulfillment of certain conditions, viz., age, qualification, clear vacancy, Rule of Reservation etc.

2. In the G.O. 2nd read above, Government have issued orders regularizing the services of (25) contingent employees working in Private Aided Junior Colleges in the State including Sri P.Yerraiah, Gardener, SVVPAS.Raja Mahila Vidyapeeth Junior College, Visakhapatnam.

3. In the reference 3rd read above, the Hon'ble High Court in the Writ Petition filed by Sri P.Yerraiah directed the respondents to consider payment of time scale to the petitioner as was done in case of the persons whose names were included in G.O.Ms.No.107, dated 09-10-2001.

4. In the reference 4th read above, the Director of Intermediate Education has informed the Government, that the individual was originally appointed on 11-7-1990 on consolidated pay of Rs.300/- p.m. by the Management from their own funds, instead of 01-08-1988 as per the service particulars furnished by the individual and the Director of Intermediate Education has also informed that the Correspondent of the SVVPAS.Raja Mahila Vidyapeeth Junior College, Visakhapatnam while furnishing the annual statement on behalf of the individual stated that the individual was appointed as Gardner on 11-7-1990. Therefore, the Director of Intermediate Education has stated that the payment of time scale to the petitioner as was done in case of other persons whose names were included in G.O.Ms.No.107, dated 09-10-2001 does not arise and requested the Government to cancel the earlier orders of regularization issued to the individual in terms of G.O.Ms.No.212, dated 22-4-1994.

5. In the reference 5th read above, the Director of Intermediate Education has issued Proceedings stating that since the individual was originally appointed on 11-7-1990 instead of 01-08-1988, the payment of time scale to the petitioner as was done in case of other persons whose names were included in G.O.Ms.No.107, dated 09-10-2001 does not arise, hence, informed the individual that his request to pay time scale attached

to the post of Attender is not feasible of compliance and addressed the Government to cancel the earlier orders of regularization issued to the individual in terms of G.O.Ms.No.212, dated 22-4-1994. The said Proceedings were communicated to the individual.

6. In the Govt.Memo 6th read above, Sri P.Yerraiah was directed to Show cause as to why the orders issued in the G.O.Ms.No.107, dated 9-10-2001 should not be cancelled in so far as he is concerned, since he did not fulfill the conditions of (5) years of continuous service, as on 25-11-1993, as laid down in G.O.Ms.No.212 Fin&Plg.(FW.PC.III) Dept., dated 22-4-1994 and furnish his reply within 15 days from the date of receipt of the same.

7. In his explanation 7th read above, Sri P.Yerraiah has stated that the Management played mischievously passing on false information from time to time in mentioning his date of appointment as 11-7-1990 instead of 1-8-1988 and the reflection of his name in the Audit Report as well as office record, it is the sole responsibility of the Management as well as the Principal of the College.

8. In the reference 8th read above, the Hon'ble High Court while disposing the W.P.No.6493 of 2008 passed orders allowing the Writ Petition in terms of the judgement of the Supreme Court in Civil Appeal No.3702 of 2006 which is extracted as under:

9. The Hon'ble Supreme Court in Civil Appeal No.3702 2006 filed by Manjula Bhashini and others has directed as follows:

"The declaration made by the Division Bench that the ban on regularization will be effective from 19-8-1998 i.e. the date on which Act No.27 of 1998 came into force and that all persons who have completed 5 years service as on that date would be entitled to be considered for regularization of service is set-aside. It is, however, made clear that the daily wage employees and others who are covered by Section 7 of the 1994 Act (amended) and whose services have not been regularized so far, shall be entitled to be considered for regularization and their services shall be regularized subject to fulfillment of the conditions enumerated in G.O. dated 22-4-1994. With a view to obviate further litigation on this issue, we direct the Government of Andhra Pradesh, its officers and agencies/instrumentalities of the State to complete the exercise for regularization of the services of eligible employees within four months of the receipt/production of copy of this order, without being influenced by the fact that the application, writ petition or appeal filed by any such employee may have been dismissed by the Tribunal or High Court or this Court. Since some of the appeals decided by this order relate to part time employees, we direct that similar exercise be undertaken in their cases and completed within four months keeping in view the conditions enumerated in G.O.(P) No.112, dated 23-7-1997."

10. In the letter 9th read above, the Director of Intermediate Education while explaining all the above facts, has requested the Government to issue orders on the show cause Notice issued to the petitioner in the light of the Hon'ble High Court orders dated 8-2-2011 in W.P.No.6493 of 2008.

11. The Government have reviewed the entire matter and after careful consideration and keeping in view the orders of the Hon'ble High Court passed in the W.P.No.6493/2008, dated 08-02-2011 decided to cancel the regularization of the services of Sri P.Yerraiah, Gardener issued vide G.O. 2nd read above since he has not fulfilled the condition of minimum service of 5 years as on 25-11-1993 stipulated in the G.O. 1st read above.

12. Accordingly, the orders issued in the G.O. 2nd read above regularizing the services in favour of Sri P.Yerraiah, Gardener, SVVPAS.Raja Mahila Vidyapeeth Junior College, Visakhapatnam are hereby cancelled and therefore the orders issued in the said G.O. stands modified to this effect.

13. The Director of Intermediate Education shall take necessary action accordingly.

14. This order issues with the concurrence of Finance (PC.III) Department vide their U.O.No.17345/387/A1/PC.III/2011, dated 07-07-2011.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

DR. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To

The Commissioner of Intermediate Education, A.P. Hyderabad.(we)
Sri P.Yerraiah, Gardener, A.S.Mahila Jr.College, VSP. Through
Commissioner of Intermediate Education, A.P., Hyderabad, A.P.,
Hyderabad.

The Correspondent, SVVPAS.Raja Mahila Vidyapeeth Junior College,
Visakhapatnam through Commissioner of Intermediate Education,
A.P., Hyderabad, A.P., Hyderabad.

Copy to:

The Accountant-General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
The District Treasury Officer. Visakhapatnam District.
The Finance (PC.III) Dept.
OSD to Minister for Secondary Education
The Govt.Pleader for H.E., A.P., High Court, Hyderabad.
The P.S.to Prl.Secretary to Govt.(Secondary Education)
SF/SC.

//Forwarded :: By Order//

SECTION OFFICER